

**REMARKS**

In the Office Action, claims 25 and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,925,067 to Lu.

In the Office Action, claims 27-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

In the Office Action, claims 15-24 are allowed.

In response thereto, claim 25 has been cancelled and claims 26, 32, and 34 have been amended. Accordingly, claims 15-24 and 26-34 are now pending. Following is a discussion of the patentability of each of the pending claims.

**Independent Claim 15 and Dependent Claims 16-24**

Claims 15-24 are allowed over the prior art of record.

**Independent Claim 26**

Claim 26 recites a stimulation device capable of performing electrophysical testing by delivering a non-invasive programmed stimulation. The stimulation device comprises a sensing circuitry to detect a cardiac event in a cardiac chamber to be tested, a controller coupled to the sensing circuitry, and a pulse generator coupled to the controller. The controller implements an electrophysical testing scheme in response to detection of the cardiac event, and the pulse generator delivers a sequence of stimulation pulses to the cardiac chamber as dictated by the testing scheme. The controller comprises a timing control circuitry coupled to the sensing. The timing control circuitry triggers an onset of the non-invasive programmed stimulation based on the detected cardiac event occurring in the cardiac chamber being tested. The controller implements the testing scheme during a refractory period.

The Lu reference discloses a non-invasive programming stimulation system for performing electrophysical testing. The system generates stimulating pulses to the heart and analyzes the responses to determine the pathological condition of the heart. The system automatically tests for capture by the stimulating pulses to insure that the pulses do not fall into an absolute refractory period.

The Lu reference does not disclose or suggest a controller that implements a testing scheme during a refractory period. In order to perform an electrophysiological test on a patient, column 3, lines 61-67 states:

First, the physician puts the programmer 12 into a test mode. In this mode, the programmer 12 orders the ICD 14 to go into a test mode as well, during which the ICD 14 operates under the command of the programmer 12. In order to perform a test, the programmer 12 first requests the ICD 14 to deliver to the heart a train of pulses.

Thus, it appears that the triggering of the ICD 14 into a test mode is not based on a detected cardiac event occurring in the cardiac chamber being tested. In particular, the testing scheme is not implemented during a refractory period. Accordingly, it is respectfully submitted that claim 26 is in condition for allowance.

#### Dependent Claims 27-34

Claims 27-34 depend from claim 26 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

PATENT

**CONCLUSION**

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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